



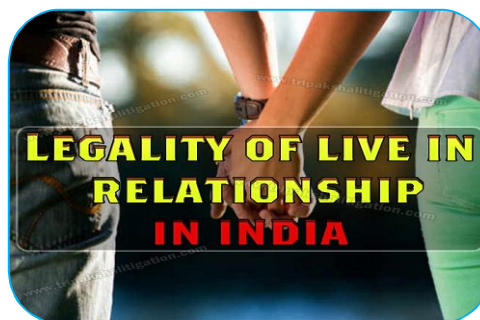
SOCIAL TABOO: LIVE-IN RELATIONSHIP IN INDIA

Dr. Shivani Gautam

Assistant Professor IAMR College, Ghaziabad.

ABSTRACT:

Live-in relationship is prominently increasing in India as an easy way similar to marriage. It is defined as a domestic cohabitation between an adult couple who do not married. Apparently, it appears like a stress-free companionship without any legal obligations, conversely, it has many complications, responsibilities and legal liabilities. Recently attempts of some laws. It is no longer on offence in India and many guidelines pertaining to maintenance, property and legal status of a child have been issued in various decisions of the Apex court. There are many grey areas which need appropriate attention like official documentation, cultural issues, property rights, will and gift rights, anti-religion status and so on.



KEYWORDS: Live in relationship, cohabitation, legal, Liabilities, offence, Legal status, Rights.

1. INTRODUCTION:

India is widely known as a country with strong moral values traditional integrity. In India as per Hindu culture, traditions, customs and fradicies marriage are considered to be made in heaven and celebrated on earth. Therefore marriage in India are considered to be the highest form of social relationship marriage is social approval to enjoy conjugal bliss. The tragedy in our country is that without this approval many people are deprived of a normal and conjugal activity. In that case permission from society does not make sense. Institution of marriage then will be a sync with this new career oriented generation. That attitude towards time in relationships in different societies is diverse but its definition is the same almost everywhere. It is a kind of relationship in which a couple times together without marrying each other and without any legal and social commitment. Despite the fact that there are scores of couples who are opting for live-in relationship, the society still attached a taboo to such relationships. The majority book at time in relationship as a dilution of morals and more importantly tradition.

Still people may time together for a number of reasons. These may include, wanting to test the compatibility or to establish financial security before marrying. Other reasons include living with someone before marriage in on effort to avoid divorce, a way for polygamists or polyammonists to avoid breaking the law. Some individuals may also choose cohabitation because they see their relationships as being private and personal matters and not to be controlled by political, religious or patriarchal institutions. But the law traditionally has been biased in favour of marriage. Public policy

supports marriage as necessary to the stability of the family, the basic societal unit. To preserve and encourage marriage, the law reserves many rights and privileges to married person. Cohabitation carries none of those rights and privileges.

Live-in relationship is a voluntary arrangement whereby two adults mutually agree to live together to conduct a long term relationship that resembles a marriage. Live-in relationships are walk-in-walk-out kind of relationships. There are no strings attached to these relationships, as the relationship is free from any legal bond between the parties. The relationship does not impose the typical responsibilities of a marriage. The founding notion behind opting for live-in relationship is to test one's compatibility with another person before entering any sort of legal commitment.

In India, presently there is no law defining the maxims of a live-in relationship. No law presently deals with the concept of live-in relationship and its legality. The ambit of live-in relationship is very much unclear. No specific legislation in India on this subject. The law is in the form of court verdicts pronounced by the renowned judges of the Supreme Court and High Court. It is praiseworthy that our courts take initiative and give certain recognition to such relationships.

The Malimtha Committee in 2003 paved the way for providing landmark recommendations. It shed some light on the term 'wife' and considered a woman in a live-in relationship alike wife. Therefore, the Protection of Women from Domestic Violence Act (PWDVA), 2005, which regarded as the first piece of legislation provided legal recognition to relations outside the marriage by covering it under the ambit of relations in the nature of marriage. It was in the year 1978, that the Supreme Court granted legal validity to 50 (fifty) years live-in relationship of a couple in the case of *Badri Prasad vs Deputy Director of Consolidation*.

In the case of *S.P.S. Balasubramanyam v. Suruttayan* the Apex Court held that if a man and woman are living under the same roof and cohabiting for a number of years, there will be a presumption under section 1121 of the Indian Evidence Act, that they live as husband and wife and the children born out to them will not be illegitimate.

In the case of *S. Khushboo v. Kanniammal* the Supreme Court held that living together is a right to life. Live-in relationship may be immoral in the eyes of the conservative Indian society but it is not illegal in the eyes of Law.

Female live-in Partners have economic rights under the Protection of Women from Domestic Violence Act, 2005 subject to the following conditions as laid by the Honorable Supreme Court of India in the case of *D. Velusamy V P. Patchaimmal*.

- (a) The couple must hold themselves out to society as being akin to spouses.
- (b) They must be of legal age to marry.
- (c) They must be otherwise qualified to enter into a legal marriage, including being unmarried.
- (d) They must have voluntarily cohabited and held themselves out to the world as being akin to spouses for a significant period of time.

The judiciary's Pro-active efforts to safeguard the interest of such couples and protect them from the outburst of the primitive and conditioned mind-set of the people is really welcoming and great indeed, but still there is a need of a separate law exclusively for this kind of relationships. There is a need of legislation.

To sum up, there is an urgent need of legal provision on live-in relationship which demonstrates a clear-cut picture keeping in mind the present Indian social context which stands on the foundation of tradition and culture.

In India, the law is supreme and the constitution is above everything thus leading us to state that law is the only thing that supersedes the societal beliefs and stigmas. In order to wipe out the very stigma which has been developed in society over the years, the existence of more open-minded legislation that provides security to such a relationship is very vital to support people who choose to opt for such partnership. In conclusion, if there is legislation that is formulated in the future, the

existence of any uncertainty in relationships of this kind will be wiped away and moreover, children born out of such a partnership will be benefited and granted the rights they deserve mainly with respect to inheritance.

REFERENCES:

1. <http://indialawjournal.com/volume 2 issue- 2/article by saakshi.html>.
2. <http://airwebworld.com/articles/index.php>
3. Basant Rai, Hindu law
4. http://en.wikipedia.org/wiki/civil_solid-arity-pact
5. <http://www.sconline.com/blog/past/2019/01/23/Live-in relationship-and-indian-judiciary/>
6. http://www.researchgate-net/publication/286441012_Socio-legal_dimesions_of_live-in relationship-in-india.
7. <http://tripakshalitigation.com/legalty-of-live-in-relationship-in-india/>
8. <http://docs.manupatra.in/newslive/articles/upload/oF9385c7-DDF2-41EB-A7DB-FA/11c39BFD8.pdf>.
9. <http://www.vakil no.1com/legalviews/Live-relationship- India-closer-look.htm>.